

22 MAG 2320

Approved:



JANE Y. CHONG

Assistant United States Attorney

Before: THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

X

UNITED STATES OF AMERICA

: **SEALED COMPLAINT**

- v. -

: Violation of

18 U.S.C. §§ 371,

MARQUISE DESHAUN AUSTIN,

: 922(a)(1)(A), 922(a)(6),
924(a)(1), and 2

Defendant.

:

COUNTY OF OFFENSE:
BRONX

X

SOUTHERN DISTRICT OF NEW YORK, ss.:

LENNEA GORDON, being duly sworn, deposes and says that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and charges as follows:

COUNT ONE

(Conspiracy to Commit Firearms Offenses)

1. From at least in or about May 2020, up to and including in or about August 2021, in the Southern District of New York and elsewhere, MARQUISE DESHAUN AUSTIN, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, unlicensed dealing in firearms in violation of Title 18, United States Code, Section 922(a) (1) (A).

2. It was a part and an object of the conspiracy that MARQUISE DESHAUN AUSTIN, the defendant, and others known and unknown, not being licensed importers, licensed manufacturers, and licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code, would and did knowingly engage in the business of dealing in firearms, and in the course of such business would and did ship, transport, and receive firearms in interstate and foreign commerce, in

violation of Title 18, United States Code, Section 922(a) (1) (A) .

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal objects thereof, MARQUISE DESHAUN AUSTIN, the defendant, committed the following overt acts, in the Southern District of New York and elsewhere:

a. On or about September 3, 2020, AUSTIN purchased a firearm ("Firearm-1") from a federal firearms licensee ("FFL") in Sherwood, Arkansas, and sold and transferred Firearm-1 to a co-conspirator not named herein ("CC-1") for transportation to the Bronx, New York.

b. In or about the fall of 2020, CC-1 transported Firearm-1 to the Bronx, New York for resale.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Gun Trafficking)

4. From at least in or about May 2020, up to and including in or about August 2021, in the Southern District of New York and elsewhere, MARQUISE DESHAUN AUSTIN, the defendant, not being a licensed importer, licensed manufacturer, and licensed dealer of firearms within the meaning of Chapter 44, Title 18, United State Code, would and did willfully and knowingly engage in the business of dealing in firearms, and in the course of such business would and did ship, transport, and receive firearms in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(a) (1) (A), to wit, AUSTIN purchased firearms in Arkansas for resale in, among other places, the Bronx.

(Title 18, United States Code, Sections 922(a) (1) (A), 922(a) (6), 924(a) (1), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

5. I am a Special Agent with the ATF and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my

examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. Based on my review of Firearms Transaction Records, known as "ATF Form 4473," submitted to the ATF by federal firearms licensed dealers (FFLs), I know that from at least in or about May 2020, up to and including in or about August 2021, MARQUISE DESHAUN AUSTIN, the defendant, purchased a total of at least 41 firearms from at least six FFLs in Arkansas. As part of those transactions, AUSTIN completed ATF Form 4473 confirming that he was "the actual transferee/buyer of the firearm" and was not "acquiring the firearm(s) on behalf of another person."

7. Based on my review of ATF Form 4473s and police reports, I know that, of the 41 firearms purchased by MARQUISE DESHAUN AUSTIN, the defendant, at least three were recovered in Arkansas, three were recovered in the Bronx, New York, and five were recovered in California, all from individuals other than AUSTIN. For example:

a. On or about September 3, 2020, AUSTIN purchased a firearm from a federal firearms licensee ("FFL") in Sherwood, Arkansas, and sold and transferred the firearm to a co-conspirator not named herein ("CC-1") for transportation to the Bronx, New York, where it was recovered by law enforcement on or about December 11, 2020.

b. On or about August 28, 2020, AUSTIN purchased a firearm from an FFL in Sherwood, Arkansas and sold and transferred the firearm to CC-1. On or about October 7, 2020, law enforcement recovered the firearm from CC-1 in North Little Rock, Arkansas.

c. On or about May 25, 2021, AUSTIN purchased a firearm from an FFL in Sherwood, Arkansas, and sold and transferred the firearm to CC-1 for transportation to the Bronx, New York, where it was recovered by law enforcement on or about June 30, 2021. Based on information collected and maintained by the National Integrated Ballistic Information Network (NIBIN), I also know that this firearm was matched to a casing recovered from the Bronx on or about June 20, 2021, at a scene where an individual was observed discharging a firearm into the air.

d. On or about May 25, 2021, AUSTIN purchased a firearm from an FFL in North Little Rock, Arkansas and sold and transferred the firearm to CC-1 for transportation to the Bronx, New York, where it was recovered by law enforcement on or about November 5, 2021.

8. On or about March 9, 2022, during my consensual conversation with MARQUISE DESHAUN AUSTIN, the defendant, AUSTIN admitted that he sold (i) approximately 10 firearms to CC-1, who transports the firearms on a bus from Memphis to New York,¹ and (ii) approximately 25 firearms to an individual in Arkansas, whom AUSTIN described as having ties to California.

9. Based on my conversation with an employee of an FFL that sold several firearms to MARQUISE DESHAUN AUSTIN, the defendant ("FFL-1"), I know that AUSTIN provided FFL-1 with a specific phone number (the "AUSTIN Number"). Based on my review of call detail records for the AUSTIN Number and for two phone numbers that I believe belong to CC-1 ("CC-1 Number-1" and "CC-1 Number-2"),² I know that AUSTIN and CC-1 contacted each other by phone call or text over 1,000 times from in or about January 2020, up to and including in or about October 2021.

10. I further believe that MARQUISE DESHAUN AUSTIN, the defendant, and CC-1 are working in concert with a larger network of straw purchasers based in Arkansas. For example:

a. Based on my review of call detail records, I know that from in or about December 2020, up to and including in or about May 2021, CC-1 has communicated dozens of times with a co-conspirator not named herein ("CC-2") who resides in Arkansas. Based on my review of ATF Form 4473s completed by CC-2, I know that from in or about December 2019, up to and including in or about April 2021, CC-2 has purchased at least 14

¹ I believe CC-1 resides in the Bronx based on my review of (i) a social media account (the "CC-1 Social Media Account") that states that the user lives in the Bronx and contains public photographs of an individual who appears to be the same individual depicted in the Arkansas driver's license photograph of CC-1, and (ii) subscriber records that show CC-1 is the listed subscriber for a New York City-based phone number ("CC-1 Number-2").

² I believe these two numbers belong to CC-1 because (i) subscriber records for the CC-1 Social Media Account show that CC-1 Number-1 is linked to the CC-1 Social Media Account, and (ii) subscriber records for CC-1 Number-2 list CC-1 as the subscriber.

firearms, two of which were recovered by law enforcement in the Bronx in or about March and August 2021, and one of which was recovered by law enforcement in North Little Rock in or about August 2021.

b. Based on my review of call detail records obtained from the provider in December 2021, I know that from in or about January 2021, up to and including in or about December 2021, AUSTIN has also communicated more than 100 times with CC-2.

11. WHEREFORE, deponent respectfully requests that warrants be issued for the arrest of MARQUISE DESHAUN AUSTIN, the defendant, and that they be arrested and imprisoned or bailed, as the case may be.

/s authorized electronic signature

Special Agent Lennea Gordon
Bureau of Alcohol, Tobacco, Firearms,
and Explosives (ATF)

Sworn to before me by reliable
electronic means pursuant to
Fed. R. Cr. P. 41(d)(3) and 4.1
this 10th day of March, 2022



THE HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK